



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

NOVEMBER 8, 2021

6:00 P.M.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
- C. NEW BUSINESS
 - a. Council consideration on request for public statement condemning the National Association of School Boards statement, *requested by Shawn McBreairty.*
 - b. Council discussion on changing public notice requirements, *requested by Councilor Erickson.*
 - c. Follow up information on Council directive on ARPA/ET funds.
- D. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL
WORKSHOP ON NOVEMBER 8, 2021 AT 6:00
PM YOU MAY PHONE IN USING THE
FOLLOWING NUMBER (FOLLOWED BY THE
PIN #)

1-978-820-2711 PIN 943 227 547#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/
rse-ftdg-ofi?hs=122&authuser=0](https://meet.google.com/rse-ftdg-ofi?hs=122&authuser=0) AND JOIN
US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV**

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en

C-a



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: 11/04/2021
RE: Council/Town statement

In October, resident Shawn McBreairty emailed RSU 22 Board President Heath Miller and copied me regarding a letter that the National School Boards Association had sent to the White House regarding concerns about parents across the country speaking at school boards and their assessment of this practice potentially being domestic terrorism. Mr. McBreairty asked if the RSU 22 Board of Directors and the Town were going to be making any statements on the letter to which I let him know that on the Town side of things, I would bring it to the November workshop for consideration.



National School Boards Association

1680 Duke St. FL2, Alexandria, VA 22314-3493

Phone: (703) 838.6722 • Fax: (703) 683.7590

www.nsba.org

September 29, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators

Dear Mr. President:

America's public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation. Local school board members want to hear from their communities on important issues and that must be at the forefront of good school board governance and promotion of free speech. However, there also must be safeguards in place to protect public schools and dedicated education leaders as they do their jobs.

NSBA believes immediate assistance is required to protect our students, school board members, and educators who are susceptible to acts of violence affecting interstate commerce because of threats to their districts, families, and personal safety. As our school boards continue coronavirus recovery operations within their respective districts, they are also persevering against other challenges that could impede this progress in a number of communities. Coupled with attacks against school board members and educators for approving policies for masks to protect the health and safety of students and school employees, many public school officials are also facing physical threats because of propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula.¹ This propaganda continues despite the fact that critical race theory is not taught in public schools and remains a complex law school and graduate school subject well beyond the scope of a K-12 class.

On behalf of our state associations and the more than 90,000 school board members who govern our country's 14,000 local public school districts educating more than 50 million schoolchildren, NSBA appreciates your leadership to end the proliferation of COVID-19 in our communities and our school districts. We also appreciate recent discussions with White House and U.S. Department of Education staff on many critical issues facing public schools, including threats school officials are receiving.

¹ The Armed Conflict Location & Event Data Project (ACLED), "Fact Sheet: Demonstrations over Critical Race Theory in the United States," July 14, 2021, https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_FactSheet_CRT-Demos_2021.pdf.

The leading advocate for public education

In addition, we applaud your actions to restore resources to school districts that have not yet received their education stabilization funding through the Project SAFE (Supporting America's Families and Educators) grant program for coronavirus recovery efforts, including the use of face masks and other precautions to help prevent COVID-19 infections among students and educators. Now, we ask that the federal government investigate, intercept, and prevent the current threats and acts of violence against our public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures to ensure the safety of our children and educators, to protect interstate commerce, and to preserve public school infrastructure and campuses.

While local and state law enforcement agencies are working with public school officials in several communities to prevent further disruptions to educational services and school district operations, law enforcement officials in some jurisdictions need assistance – including help with monitoring the threat levels. As these threats and acts of violence have become more prevalent – during public school board meetings, via documented threats transmitted through the U.S. Postal Service, through social media and other online platforms, and around personal properties – NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials be undertaken to focus on these threats.² NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center³ regarding the level of risk to public schoolchildren, educators, board members, and facilities/campuses. We also request the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.

As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes. As such, NSBA requests a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight. Additionally, NSBA requests that such review examine appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the

² The Herald Editorial Board, *HeraldNet*, "Editorial: Mob's actions at school board meeting unacceptable," September 1, 2021, <https://www.heraldnet.com/opinion/editorial-mob-actions-at-school-board-meeting-unacceptable/>.

³ U.S. Secret Service, National Threat Assessment Center, "Averting Targeted School Violence," March 2021, <https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf>.

Preclusion of Further Threats and Violence Against Students and Educators

September 29, 2021

Page Three

protection of students and public school district personnel, and any related measure. As the threats grow and news of extremist hate organizations showing up at school board meetings is being reported, this is a critical time for a proactive approach to deal with this difficult issue.

These threats or actual acts of violence against our school districts are impacting the delivery of educational services to students and families, as many districts receive federal funds and subsidies for services to millions of students with disabilities, health screenings and supplemental supports for disadvantaged students, child nutrition, broadband connectivity, educator development, school safety activities, career and technical education, and more. School board meetings have been disrupted in California⁴, Florida⁵, Georgia⁶, and other states⁷ because of local directives for mask coverings to protect students and educators from COVID-19.

An individual was arrested in Illinois for aggravated battery and disorderly conduct during a school board meeting.⁸ During two separate school board meetings in Michigan⁹, an individual yelled a Nazi salute in protest to masking requirements, and another individual prompted the board to call a recess because of opposition to critical race theory.

⁴ Elizabeth Marie Hinchak, *Poway News Chief*/ *Rancho Bernardo News Journal*, "Protesters disrupt Poway Unified board meeting, cause its adjournment," September 9, 2021, <https://www.sandiegomontribune.com/pometado-news/news/schools/story/2021-09-09/protesters-disrupt-poway-unified-board-meeting-force-its-ag>.

⁵ Ryan McKinnon, *Sarasota Herald Tribune*, "Sarasota school board may limit public input after some meetings get disorderly," September 20, 2021, <https://www.heraldtribune.com/story/news/education/2021/09/20/sarasota-school-board-may-limit-public-input-after-meetings-gone-wild/8417784002/>.

⁶ Alta Malik, *The Atlanta Journal Constitution*, "Anti-mask crowd disrupts Gwinnett school board meeting," May 21, 2021, <https://www.ajc.com/news/anti-mask-crowd-disrupts-gwinnett-school-board-meeting/1YO7R6GHJ5DTLEFCQHER7V3GBA/>.

⁷ Julie Wootton-Greener, *Las Vegas Review Journal*, "School board meeting turns contentious over COVID-19 policies," August 12, 2021, <https://www.reviewjournal.com/local/education/school-board-meeting-turns-contentious-over-covid-19-policies-2418652/>.

⁸ WAVY.com, "Norfolk school officials, police monitoring threats made toward Norview schools," September 21, 2021, <https://www.wavy.com/news/local-news/norfolk/norfolk-school-officials-police-monitoring-threats-made-toward-norview-schools/>.

⁹ WBTV/Charlotte, "Gov. Roy Cooper addresses 'threats, bullying, intimidation' at school board meetings over mask requirements," September 21, 2021, <https://www.wbtv.com/2021/09/21/gov-roy-cooper-address-fight-against-covid-19-northcarolina/>.

¹⁰ WGEM, "Mendon man arrested following disruption at Unity School board meeting," September 2, 2021, <https://wgem.com/2021/09/02/mendon-man-arrested-following-disruptions-at-unity-school-board-meeting/>.

¹¹ Steve Neavling, *Detroit Metro Times*, "Nazi salute, insults hurled at chaotic Birmingham schools meeting over mask mandate," August 19, 2021, <https://www.metrotimes.com/news-hits/archives/2021/08/19/nazi-salute-insults-hurled-at-ruckus-birmingham-schools-meeting-over-mask-mandate>.

¹² Katie Marantette, *WLNS.com*, "Grand Ledge school board goes into recess due to public disruption," June 16, 2021, <https://www.wlns.com/news/grandlege-school-board-goes-into-recess-due-to-public-disruption/>.



Paula Scott <townmanager@hampdenmaine.gov>

Re: NSBA statement - Parents and taxpayers are now "Domestic Terrorists!?" - RSU22 School Board response? Second request
6 messages

Shawn McBreairty <shawnmcb@maine.rr.com>

To: Heath Miller <hmiller@rsu22.us>

Cc: rfrank@rsu22.us, Paula Scott <townmanager@hampdenmaine.gov>, Scott Webber <swebber@hampdenmaine.gov>

Heath,

Will there be a RSU22 school board response to this request, or is no response a denial of the below request?

Other states are firing back:

https://www.dailywire.com/news/state-school-boards-blast-nsba-letter-calling-on-biden-admin-to-crack-down-on-school-board-meetings?%3Futm_source=twitter&utm_medium=social&utm_campaign=twitter

Thank you,

Shawn McBreairty

Sent from my iPhone 11 Pro Max

On Oct 2, 2021, at 11:15 PM, Shawn McBreairty <shawnmcb@maine.rr.com> wrote:

Heath,

I'd request the RSU22 School Board kick out a public statement with the Hampden Town Manager and Police Chief condemning the National Association of School Boards insane statement parents and taxpayers concerned about their children and their tax dollars as "domestic terrorists."

<https://nsba.org/News/2021/federal-assistance-letter>

No one knows better to what children need for their education, than the parents. When school boards, administration and teachers forget this fact, that they work for the community, or disingenuous to hearing the concerns of constituents, or defy the First Amendment to the Constitution, within your Oath of Office, it can create real tension.

Tension that if not properly defused can spill over, if cooler heads don't prevail working toward solutions, not finger pointing and name calling. You as the Chair are in the unenviable position, bi-partisan response may be one step towards recognizing there are legitimate issues all over this State and that you are indeed willing to listen intently to this community and its concerns.

Maine has seen more children pulled from public schools by their parents this past year, than in the previous 5 years combined. Many parents homeschooling their children are seeing that they saw in the public school systems. While Maine public schools test scores fall further behind.

As I previously wrote you about getting an American Flag in the RSU22 auditorium and saying the Pledge of Allegiance to The Flag before every RSU22 school board meeting, as we seek to bring this community together, as Americans, equal under the law and God, the statement by the NSBA continues to show the division at a State and national level with many out of touch.

I'd like to hope our school board in Hampden is better than most. However, constituents in most communities in Maine have major concerns with the public schools indoctrination of; w/ Theory & support of BLM a Marxist organization, pick your pronouns, pushing gender transformation, multiple genders and the LGBTQ culture, "equity" vs. equality, cancel culture, elimination of fabric, political messaging from the left, misuse of tax dollars, mask mandates, quality of education for our ever increasing tax dollars and the list goes on.



Shawn McBreairty
Sent from my iPhone 11 Pro Max
[Quoted text hidden]

Paula Scott <townmanager@hampdenmaine.gov>
To: Shawn McBreairty <shawnmcb@maine.rr.com>
Cc: Heath Miller <hmillerr@rsu22.us>, rfrank@rsu22.us, Scott Webber <swebber@hampdenmaine.gov>

Fri, Oct 15, 2021 at 11:39 AM

Hi Shawn,

I am going to add this to the agenda for the November 8th workshop for them to discuss whether or not to issue a statement or any sort of resolution.

Thank you,
Paula A. Scott
Town Manager
Treasurer

Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]

Shawn McBreairty <shawnmcb@maine.rr.com>
To: Paula Scott <townmanager@hampdenmaine.gov>

Fri, Oct 15, 2021 at 12:01 PM

The TC workshop?

Shawn McBreairty
shawnmcb@maine.rr.com
Sent from my MacBook Pro

On Oct 15, 2021, at 11:39 AM, Paula Scott <townmanager@hampdenmaine.gov> wrote:

Hi Shawn,

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Thank you,
Paula A. Scott
Town Manager
Treasurer

Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

On Thu, Oct 14, 2021 at 11:58 PM Shawn McBreairty <shawnmcb@maine.rr.com> wrote:
Heath,

Dominoes begin to fall. What's RSU22 going to do? Is this going to be on the 10/20/21 SB meeting agenda?

Paula,

Has this been a discussion with the Town as of yet?

<image0.jpeg>

Shawn McBreairty
Sent from my iPhone 11 Pro Max

11/4/21, 8:49 AM

Town of Hampden Mail - Re: NSBA statement - Parents and taxpayers are now "Domestic Terrorists!?" - RSU22 School Board res...

On Oct 12, 2021, at 6:11 PM, Shawn McBreairty <shawnmcb@maine.rr.com> wrote:

Heath,

Will there be a RSU22 school board response to this request, or is no response a denial of the below request?

Other states are firing back:

https://www.dailywire.com/news/state-school-boards-blast-nsba-letter-calling-on-biden-admin-to-crack-down-on-school-board-meetings?%3Futm_source=twitter&utm_medium=social&utm_campaign=dwtwitter

Thank you,

Shawn McBreairty

Sent from my iPhone 11 Pro Max

On Oct 2, 2021, at 11:15 PM, Shawn McBreairty <shawnmcb@maine.rr.com> wrote:

Heath,

I'd request the RSU22 School Board kick out a public statement with the Hampden Town Manager and Police Chief condemning the National Association of School Boards insane statement to Biden about labeling parents and taxpayers concerned about their children and their tax dollars as "domestic terrorists."

<https://nsba.org/News/2021/federal-assistance-letter>

No one knows better to what children need for their education, than the parents. When school boards, administration and teachers forget this fact, that they work for the community, or create policy that is disingenuous to hearing the concerns of constituents, or defy the First Amendment to the Constitution, within your Oath of Office, it can create real tension.

Tension that if not properly defused can spill over, if cooler heads don't prevail working toward solutions, not finger pointing and name calling. You as the Chair are in the unenviable position to defuse tension. This formal, bi-partisan response may be one step towards recognizing there are legitimate issues all over this State and that you are indeed willing to listen intently to this community and solve for these issues.

Maine has seen more children pulled from public schools by their parents this past year, than in the previous 5 years combined. Many parents homeschooling their children are seeing great results. Better results than they saw in the public school systems. While Maine public schools test scores fall further behind.

As I previously wrote you about getting an American Flag in the RSU22 auditorium and saying the Pledge of Allegiance to The Flag before every RSU22 school board meeting, as we ask our students each morning, to bring this community together, as Americans, equal under the law and God, the statement by the NSBA continues to show the division at a State and national level with many out of touch school boards.

I'd like to hope our school board in Hampden is better than most. However, constituents in most communities in Maine have major concerns with the public schools indoctrination of: woke ideologies, Critical Racism Theory & support of BLM a Marxist organization, pick your pronouns, pushing gender transformation, multiple genders and the LGBTQ culture, "equity" vs. equality, cancel culture, elimination of the conservative moral fabric, political messaging from the left, misuse of tax dollars, mask mandates, quality of education for our ever increasing tax dollars and the list goes on.

<image0.jpeg><image1.jpeg><image2.jpeg><image3.jpeg><image4.jpeg><image5.jpeg>
[Quoted text hidden]

Paula Scott <townmanager@hampdenmaine.gov>
To: Shawn McBreairty <shawnmcb@maine.rr.com>

Fri, Oct 15, 2021 at 1:00 PM

Yes, the Town Council workshop. We have nothing to do with the school's meetings.

Paula A. Scott
Town Manager
Treasurer

Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]

Shawn McBreairty <shawnmcb@maine.rr.com>
To: Heath Miller <hmliller@rsu22.us>, Paula Scott <townmanager@hampdenmaine.gov>
Cc: rfrank@rsu22.us, Scott Webber <swebber@hampdenmaine.gov>

Fri, Oct 15, 2021 at 5:59 PM

More info by state.

<https://defendinged.org/press-releases/state-school-board-associations-responses-to-the-nsba-letter/>

Shawn McBreairty
Sent from my iPhone 11 Pro Max
[Quoted text hidden]



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: September 15, 2021
RE: Process of Public notification

Councilor Erickson requested this item be placed on the agenda for discussion about changing our notification process in an effort to increase notification and to save money. I have included excerpted pages from the Town Charter, the Planning Board by-laws, and a statute reference about newspapers for some back ground information which might be used as a jumping off point for discussion.

As a general rule, Title 1 requires public notice for meetings of public bodies when 3 or more members are in attendance. Those types of notices, such as our agendas, are not legally required to be posted in a newspaper. The Town of Hampden follows the general standard set out in section 406 which requires notice that allows for ample time for the public to attend, and in a manner that is considered "best" or customary. For agendas, notices of due dates, and other matters of town business which are not required to be posted in a newspaper, we follow the requirements of the so called "right-to-know" law which is the Freedom of Access Act. Thus, the best and customary places for posting are on our website, as well as hard copies at the Town Office, the Post Office, and the Hannaford sign board. Depending on the subject matter, sometimes we post on our social media site.

For ordinance adoption or amendment, referendum questions, zoning amendments (including map amendments), comprehensive plan adoption or amendment, charter adoption or amendment, borrowing authorizations, TIFs, and other certain licenses and permits, the Town of Hampden follows statutory or charter requirements for not only particular time frames for posting specific to each activity, but also the legal requirement to publish in a newspaper. The Town Charter mimics statute with regard to the definition of "publish" and the method of ordinance adoption. When the reason for the notice is not initiated by the Town itself, the fees are passed onto the person requesting the action, such as a notice for a zoning map amendment for instance.

In summary, I believe that the legislation that requires publishing in newspapers certain actions of elected or appointed officials is in fact reaching more people than a mere website would and which I believe, it why it remains in statute. The website is a method by which to augment, not supplant notice for highly important and critical actions of government and which arguably does not disenfranchise those without access to technology or the internet.

HAMPDEN PLANNING BOARD

BY-LAWS

ARTICLE 1 – NAME

This organization shall be known as the Hampden Planning Board.

ARTICLE 2 – PURPOSE

These By-Laws are established by the Hampden Planning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine, the Charter of the Town of Hampden and the Municipal Ordinances, all of which have precedence. These By-Laws are intended to insure fair and equitable treatment in all proceedings of the Hampden Planning Board. A copy of these By-Laws is available at the Town office and on the Town of Hampden web site.

ARTICLE 3 – MEMBERSHIP

- A. The Planning Board consists of seven regular members and two alternates appointed by the Town Council for terms of five years each.
- B. All Planning Board members, regular and alternate, shall be expected to attend all meetings.
- C. An alternate member may participate in the Board's proceedings but may vote only when s/he has been designated by the Chairperson to sit in for a regular member. The Chairperson shall so designate when any regular member is absent or when a regular member is unable to act because of conflict of interest or any other satisfactory reason.
- D. The Planning Board may create standing or special committees at any time by majority vote of its members, for the purpose of handling specific tasks as may be necessary for the conduct of business, with the exception that no such committee may be created for the purpose of reviewing or otherwise dealing with an application before the Board under the Subdivision or Zoning Ordinances.

ARTICLE 4 - OFFICERS AND DUTIES

- A. The Board shall elect a Chair and Vice Chair from its members annually at its regularly scheduled meeting in January for a one year term. The Chair and Vice Chair are eligible for reelection.
 1. The Chairperson shall call all meetings of the Planning Board and shall preside at all meetings of the Board.
 2. The Chairperson shall call at least eight regular meetings of the Board each year.
 3. The Chairperson shall represent the Planning Board and be its official spokesperson in all matters.
 4. The Chairperson may appoint committee Chairpersons subject to Board approval.
 5. In the event that the Chairperson is unable to attend a called meeting of the Planning Board, the Vice Chair of the Board will act in his/her stead at that meeting.
- B. The staff (planner, administrative assistant) is responsible for maintaining accurate records of the Planning Board meetings, including all official actions, as well as correspondence of the Planning Board. All records shall be maintained in accordance with the Maine State Archives Local Government Record Retention Schedules in the Town Office and may be inspected during municipal business hours. Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, and posted on the Town's website after approval.

ARTICLE 5 – MEETINGS

- A. Regular meetings of the Planning Board shall be held on the second Wednesday of the month, and workshop meetings, if needed, shall be held on the third Tuesday of the month.
- B. Special meetings may be called by the Chairperson, provided that 48 hour notice is given to each Planning Board member.
- C. A quorum of the Board necessary to conduct official business shall consist of four members. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is challenged.
- E. The agenda and materials for regular meetings shall be distributed to all members at least six days prior to the meeting.

ARTICLE 6 – RULES OF PROCEDURE

- A. Submission Deadlines.
 - 1. Applications for projects that do not require a public hearing per Article 7 or other requests are due to the Planning Department 15 days prior to the meeting date.
 - 2. Applications for projects that require a public hearing but do not require third party peer review are due to the Planning Department 30 days prior to the meeting date.
 - 3. Applications for projects that require a public hearing and require third party peer review are due to the Planning Department 44 days prior to the meeting date.
 - 4. Whenever the due date falls on a day the Town Office is closed, the due date is automatically shifted to the next date the Town Office is open.
- B. Meetings shall be conducted in accordance with Maine Statutes, including Maine's Freedom of Access – Public Right to Know Law, as outlined in Title 1, M.R.S.A., Sections 401-410, as amended, Town Ordinances, these By-Laws and pertinent parts of the latest revisions of Roberts Rules of Order. However, the Board may also establish special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.
- C. Information regarding applications before the Board shall be presented to the Planning Board either as part of a formal application submitted in accordance with the zoning and/or subdivision ordinances or as verbal or written testimony for a public hearing.

ARTICLE 7 – PUBLIC HEARINGS

All public hearings held by the Planning Board as required by law or ordinances of the Town of Hampden, in addition to meeting special requirements of such law or ordinances, shall comply with the following procedures unless waived by the Planning Board.

- A. Public hearing notice.
 - 1. Public hearings must be advertised in a local newspaper at least 10 calendar days prior to the date of the hearing.
 - 2. Notice of public hearings must be mailed to all property owners within 300 feet of the property subject to the application as shown in the Assessor's records.
 - 3. Town staff is responsible for preparing and distributing such notices, but the applicant is responsible for paying the costs of the newspaper ad and abutter notification. No hearing notice will be published in the newspaper until payment is received.
- B. Under state disposition requirements, only paper, microfilm, or microfiche copies of records are official. However, public hearings may be recorded and the recording of the hearings may be posted on the Town of Hampden web site.

- C. The applicant, or the applicant's representative, shall present opening statements regarding the project, including any plans, reports, testimony, or other evidence.
- D. The Town Planner, followed by other Town staff or other officials may introduce any correspondence, present reports, commentary, and recommendations.
- E. All interested parties and members of the public shall be given an opportunity to offer statements relevant to the project under consideration; however, the Chairperson may limit discussion to new information and pertinent information. The Board may limit testimony to a set time period for each member of the public present and may extend or modify this time period based upon a majority vote of those Board members present and voting.
- F. Any interested party may submit written testimony at or prior to the public hearing.
- G. All information, recordings and materials made part of the public hearing shall be maintained as part of the permanent record of the meeting. Costs of transcriptions of the hearings shall be borne by the party requesting the transcript.

ARTICLE 8 - ADOPTION AND AMENDMENTS

These By-Laws may be adopted and/or amended by a concurring vote of at least 5 members at any regular meeting of the Planning Board, provided the proposed By-Laws or the proposed amendment has been discussed at the previous regular meeting of the Board.

for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

Sec. 211 Procedure –

- (a) *Meetings* - The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of five (5) or more members by causing a notification to be given or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a paper having general circulation in the town. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager and to other persons the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. The foregoing action shall be governed by state law, MRSA, Title 1, §405, as amended. Any citizen at the meeting shall have the opportunity to speak upon any subject before the council. (Amended: June 8, 1982)
- (b) *Rules and Journal* - The council shall determine its own rules.
- (c) *Secretary* - The town clerk shall act as secretary of the town council and shall keep a record of all council proceedings including all roll call votes. The Town Clerk or designee shall act as recording secretary at town council meetings. (Amended: December 5, 1977)
- (d) *Voting* - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. Four members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present. (Amended: June 8, 1982, November 6, 2007, November 4, 2014)
- (e) *Agenda* - Any subject may be placed on the agenda for a council meeting by a councilor, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least 5 calendar days prior to the council meeting. The agenda shall be prepared and posted in the town office at least one business day prior to a scheduled council meeting.

Sec. 212 Action Requiring an Ordinance - In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money other than tax anticipation notes;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the town;

- (7) Amend or repeal any ordinance previously adopted;
- (8) Amend or establish town fees; and

Acts other than those referred to in the preceding sentence may be done by ordinance, by order or by resolution. *(Amended: June 8, 1982)*

Sec. 213 Ordinances In General

- (a) *Form* - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Hampden hereby ordains...." Any ordinance which repeals or amends an existing ordinance or part of the Hampden Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- (b) *Procedure* - An ordinance may be submitted as an agenda item by any member of the council at any regular or special meeting. Copies of the proposed ordinance are to be included with the council packet. After council discussion, the proposed ordinance may be introduced as submitted or amended for public hearing. A reasonable number of copies of said ordinance shall be filed in the town clerk's office and such other public places as the council may designate, and a notice setting out the time and place for a public hearing on same shall be published. The public hearing shall follow the publications at least seven (7) days, may be held separately or in conjunction with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or may reject it; but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a new ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall publish a notice of its adoption.
(11) *(Amended: June 8, 1982)*
- (c) *Effective Date* - Except as otherwise provided in this charter every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date as specified therein.
- (d) *"Publish" Defined* - As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town; (1) the ordinance or a brief summary thereof, and (2) the place where copies of the complete text have been filed and the time when they are available for public inspection. *(Amended: June 8, 1982)*

Sec. 214 Emergency Ordinances - To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except where any emergency notes or renewals thereof are paid within twentyfour months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least all members present shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand

Maine Revised Statutes
Title 1: GENERAL PROVISIONS
Chapter 15: STATE PAPER; LEGAL
NOTICES
Subchapter 2: LEGAL NOTICES

§601. Publication of legal notices and advertising

To be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, a newspaper, unless otherwise ordered by the court in the proceedings, must be printed in the English language; must be entered as 2nd class postal matter in the United States mails; and must have general circulation in the vicinity where the notice is required to be published. Any legal notice, legal advertising or other matter required by law to be published in a newspaper must appear in all editions of that newspaper and must appear on any publicly accessible website that the newspaper maintains in accordance with the requirements of section 603. [2013, c. 368, Pt. YYYY, §1 (AMD).]

Beginning July 1, 2013, a newspaper publishing legal notices may not charge agencies of the executive branch a rate greater than the rate that the newspaper charges the Legislature to publish legal notices. [2013, c. 368, Pt. YYYY, §1 (NEW).]

SECTION HISTORY

1967, c. 428, §1 (AMD). 1987, c. 667, §1 (RPR). 1997, c. 405, §1 (AMD). 2013, c. 368, Pt. YYYY, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes

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Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: 11/04/2021
RE: ARPA/ET funds

This memo is for information only as a follow up to the directive to ask the auditor whether or not the Town could or should ask for Environmental Trust reimbursement for any eligible expenses paid for with ARPA funding. Her short answer is no.

ARPA Federal funds, although not 'applied' for, are treated like a grant and we are given a broad range of uses. To use this 'free' money to obtain a reimbursement from an account that as of the FY20 audit has been categorized as a governmental fund, however, would be inappropriate and in essence, would be "double dipping". It goes against governmental accounting standards.